G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

19

( )

File No. 731—12

Serial Nos. 1 & 2

Papers Filed.

Month January 1914

SUBJECT.

Eviction of M. Sivaramma, Patrie Kendhamushi from Archies ward Swamy Temple building at Shemoga

PREVIOUS REFERENCES.	LATER REFERENCES.
M 7130—03	

M. Sivaramaiya Chief Recorder 13-2-14

G.R.S. 11] 1912.—13

GENERAL AND REVENUE SECRETARIAT.

(Inner)

NOTES.

File No. 731-1

FILE HEADING.

Filing of a suit against M. Sitaramaiya, Police Head munshi of the Chicacole Dt. Office for evicting him from Arkeswaraswami temple building at Chicacole.

From

The Deputy Coll. Chicacole Dt.

No. 373/marg1 Dated 5.6.13 Received 7.6.13

Diary No. 2161	Enclos. -	Spare Copies. -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction to the filing of a suit against Sitaramaiya Police Head Munshi of this Office in order to evict him from the occupation of a portion of the Sri Arkeswaraswami Temple at Chicacole

NOTES AND ORDERS.

Sitaramaiya is stated to be living in the temple from 1911 June. ie for the past 2 years. He is said to have been pressed several times by Mr. M.S. Narayana Rau Sole Dharmadarsi of the temple to vacate, ~~take~~ a notice is also said to have

NOTES—First Sheet.

GPB- 35,000—15 6 12

General and Revenue Secretariat.

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visited to him in the matter by the Arnold

2. The Dy Com^r requests sanction for filing a suit against him for Evicting him from the temple building & to recover Rs 5 per month from him as rent for the period he has been occupying the temple.

3 The cost of this litigation has not been intimated, nor has the amt at the credit of the Sri Ankeswara Swami temple which has to bear the charge been mentd.

4 Draft calling for this urgt is subt.

BL
28.6.13

5 a D.O. has been recd from the Dy Com^r in the matter today.

BL

6 Is the D^r Com^r correct in saying that the temple is under Govt management. Has the temple any hdm. If so and if it is a Mysore institution the civil courts can have no jurisdiction. Vide up the Mysore Manual

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

Mer File No. 131 of 1912 - 13

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7 The temple was ordered to be taken over under Govt management on the request of Mr. M.S Narayanaka Rao by Govt. vide in G.O No. 1076-8 & 9 11 03 in which the Govt of India Promote for Rs 2000/- bearing interest at 3 % per annum was also accepted for the due performance of the terms stipulated by them.

8 A further endowment of Rs 2000 in favour of this temple was accepted from Mr. M.S Narayana Rao in G.O. No 1534-7/ Mer 743-08-2 & 18 12 09, and the Scale of Establishment in the temple revised. The temple has no cash or land loans.

9 A copy of the Mysore Memorandum is submitted as desired -

2/7/13 No G.O. is traceable as to the judicial decisions in such cases being applicable or inapplicable to Mysore institutions &c.

1st Mer. File No 196 of 1892 ending with G.O. No 501-8 & 24-2-1892 is submitted for kind perusal. This order directs that the practice of allowing temple servants to live within the precincts of temples should not be put a stop to. The order is therefore upheld.

NOTE—Contn sheet.

GPB—65,000—17-6-12.

Serial No.

Seats free to persons who have no connection with the temples, as in the case now in point.

13 An Executive order of Govt in the matter seems to be sufficient.

14 May an order be passed stating that no civil action is necessary & that steps should be taken to see that the Official in question quits the building at once, & approving of his suggestion that a rent of Rs 5/- per month be collected from him by deduction by instalments from his pay, such collections being credited to temple funds?

BL
5.8.13

The Govt order of 1903 is very precise that the temple was built by Mr Narayana Rao's uncle. Please look up the original file. Some enquiry should have been held at the time as regards Mr Narayana Rao's right to make over the institution for Govt management

lcs
5-8-13

Submitted.

1/c The original file relating to the

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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issue of the Govt order of 1903 is pertinent. Wherein the right of Mr M.S Narayana Rao to make over the management of the temple to Govt is not discussed.

2) The temple is not a Mirasi institution as it is not endowed either with land inam or cash grant from Govt.

3 Sitaramiah, who is recommended by the Dt Court to be evicted from the temple premises, alleges that his ancestors built the temple.

4 Mr M.S Narayana Rao is the sole Dharmadarsi of the temple. It is not known whether Sitaramiah bears any relationship to Mr M.S. Narayana Rao.

He is his nephew

5) The mere fact of a private institution having been taken under Govt management Whether just fies Govt interference in regard to private rights to the ownership of the institution itself, is a point for consideration.

Subd
Put (65)
28/11

Subd to Mr Councillor.

The Govt having under taken the management of the institution, all the buildings and

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

appurtenances have come into the possession of Govt. Notwithstanding that Govt. have not given any land grant or land from the institution is a Mysore one being actually under Govt management. and it is surmised that Govt. on the executive side can deal with its properties without receiving a recommendation to courts, at least as regards the management of the immovable properties of the institution

22 Under the head Mysore Regulation the term Mysore institution includes every institution which under the provisions of that Regulation has been taken under the sole management of Govt. I am not aware of a decision under Govt depriving the trustees of such private institution taken under Govt management. It is presumed that the Mys. Reg: did not introduce a new provision. Granting that the temple in question is a Mysore institution, the right of Govt to eject any person encroaching

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Land Revenue Secretariat.

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The premises without authority seems to be undesirable and a recourse to the Civil Courts for the purpose does not appear to be necessary. Such a course is not thought necessary in the case of institutions enjoying a ground or land inam. Vide G.O. No. 501-S dated 24th March 1892.

Sd
1.12.13

1. As the property was in the possession of Govt when the person took possession (by sufferance or expressly) he must be asked to quit it and if he has any rights over it, to get them settled by Govt to the proper tribunals for the purpose. The Dy Cr may be asked to have the premises at once vacated.

Sd
18/12/13

Sd
19/12

Sd.
Sd
22/12

NOTE—Contn. sheet.

GPB—65,000—17-3-12.

Mmo2 File No. 731 of 1912

Serial No.	
9½	Draft subd. for appl AK(65) amn 24/12 24/12 Fair draft. Sd 31.12 Subd with fair Draft AK(65) amn 2/1/14 3/1/14 Subd to Mr. Councillor Sd 5.1.14 Draft appd by Mr Councillor 8/1/14 MS Sd 12/1 Sd 12/1
2	To The Dy Comm. Shimoga Dt: No. 1817 d/16/1/14 Directs that the premises ~~the Settla~~-Zamin should be vacated at once.

NOTE.—Contn sheet.

GPB—55,000—27-4-09

Office of the Deputy Commissioner,

373/mmz.91

Latea, Bangalore, 5th. June 1911.
6th

From

K. Srinivasa Rao, Esquire.

Deputy Commissioner,

Shimoga District.

To

K.R. Srinivasa Iyengar, Esquire, B.A.,

Secretary to Government of Mysore,
Home Department,
Bangalore.

Sir,

I have the honour to state that M. Subbaramiah, Police Head Constable of this District, has been using for residential purposes a portion of his premises adjoining the temple at Shimoga since June 1911. Although he was pressed several times by me, as well as by the Deputy Commissioner, and sole Dharmadarsi of the temple, he has not failed to vacate the temple premises, on the ground that the temple was constructed by one of his ancestors.

As the temple is one under Government management, a notice was recently served on Subbaramiah through the Amildar of Shimoga to vacate the building but even this has had no effect.

In view of the above circumstances I propose that sanction may be accorded to all or such portion of the premises and to realise from the building and to recover from the servant for the period that it is occupied at Rs. 5/- per month.

The cost of the lintels will be met from the funds of the Institution.

I have the honour to be,

Sir,

Your most obedient servant,

K. Srinivasa Rao

Deputy Commissioner.

ever - of Sitaramiah from the Sri Ankleswaraswami temple premises at Shimoga.

File No. 731-12

Serial No. 2

Diary No. of letter replied to 2161

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Mysore)

, the

Date of issue

Signed by

READ -- G.O. No. 1076-8 dated 9th November 1903 sanctioning the prayer of Mr. M.S. Narayana Rao, Deputy Commissioner, to take over under Govt. management the Sri Ankleswaraswami temple built by his uncle near the Shimoga Railway Station

ORDER THEREON.—No.

2. Letter No. 373/Misc 91 dated 5/6th June 1913 from the Deputy Commr. Shimoga stating that Mr. Sitaramiah, Police Head-Constable, Shimoga is

over

SUBJECT.

GPB—10,000 19 4 10

has been occupying a portion of the temple since June 1911 and that he refuses vacate it on the score that it was built by one of his ancestors and requesting sanction to file a civil suit against him for eviction and recovery of a monthly rent of Rs 5.

Order thereon: No. 1817 / Mucr 731-12-2 Dt 16.1.1914

The Govt having undertaken the management of the institution in 1903, all the buildings belonging thereto came into their possession and continued under their management. The occupation by Sitaramiah of a portion of the temple must be considered to have been only by express permission or by sufferance. Sitaramiah should therefore be directed to quit the temple premises and if he has any rights over them, to get them settled by resort to the proper tribunals for the purpose.

2. The Dr Comr is accordingly requested to have the premises vacated at once.

8/1/14

5/1/14

To Dr Comr, Chintapalli

To Secy.

Pol(65)1/1 3/1/14